

TGEGKXGF.; B; 4236"36-6: <75.'Lqj p"C0Vqo culpq.'Engtm'Uwr tgo g'Eqrwv

**BEFORE THE  
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA**

**INQUIRY CONCERNING A JUDGE  
JUDGE LINDA D. SCHOONOVER**

---

**CASE NO.: SC-14-1647**

**AMENDED NOTICE OF FORMAL CHARGES**

TO: The Honorable Linda D. Schoonover  
Seminole County Juvenile Justice Center  
190 Bush Boulevard  
Sanford, Florida 32773

YOU ARE HEREBY NOTIFIED THAT the Investigative Panel of the Florida Judicial Qualifications Commission, by a vote of not less than two-thirds of those members present at its meetings held in Orlando, Florida on August 1, 2014 and September 12, 2014, pursuant to Rule 6(f), Florida Judicial Qualifications Commission Rules (JQC Rules), as revised, and Article V, Section 12(b) of the Florida Constitution, found that probable cause exists for formal proceedings to be instituted against you charging you with violations of the Preamble and Canons 1, 2A, 2B, 3A, 3B(1), 3B(2), 3B(4), 3B(7), 3B(8), 3B(9), 3C(1), 3E(1)(a) and 5A of the Code of Judicial Conduct.

1. You were elected to the Circuit Court for the Eighteenth Judicial Circuit of Florida on August 24, 2010.

2. The Honorable Alan Dickey served as the Chief Judge of the Eighteenth Judicial Circuit from July 1, 2011 to June 30, 2013. The Honorable John M. Harris began service as the Chief Judge of the Eighteenth Judicial Circuit on July 1, 2013.

### **Pattern of Behavior**

3. From the time of your election to the present, you have demonstrated a pattern of behavior which is inexplicable, appears to demonstrate instability, and is disruptive to the Eighteenth Judicial Circuit. This pattern of behavior, if proven in whole or in part, violates the Code of Judicial Conduct.

4. As recently as 2014 you contacted the Florida Department of Law Enforcement (FDLE) and made criminal allegations about a member of the judiciary and courthouse personnel of the Eighteenth Judicial Circuit.

This complaint caused the FDLE to unnecessarily expend resources to investigate your unsupported allegations by interviewing courthouse personnel, researching the case management system, reviewing documents, and drafting reports.

You additionally reported to the FDLE that you had installed in your chambers a camera, and claimed that the camera confirmed that people wrongfully entered your chambers. The FDLE had to investigate that video footage, only to determine that the persons who entered your chambers were maintenance personnel.

5. This report to the FDLE continued a pattern of your bizarre behavior, which began soon after you were elected and before you officially assumed your duties.

6. In or about October 2010, after your election but prior to you assuming your duties as a Circuit Judge, the Honorable Kenneth Lester, a circuit judge of the Eighteenth Judicial Circuit, was assigned to be your mentor. The mentor program is a statewide program

implemented in every circuit and mandated by the Florida Supreme Court by administrative order for all new judges. Within the first few weeks of meeting with Judge Lester, you:

- 1) repeatedly expressed your distrust of him;
- 2) refused to accept suggestions or recommendations made by him; and
- 3) repeatedly expressed paranoia about other judges and how they would treat you.

As a result, Judge Lester refused to continue to be your mentor. At that point, you had not even commenced your duties as a circuit judge.

The Honorable Lisa Davidson, a circuit judge of the Eighteenth Judicial Circuit, was the mentor trainer for the Eighteenth Circuit assigned by the Office of State Court Administrator of the Florida Supreme Court. After Judge Lester refused to continue to serve as your mentor, Judge Dickey volunteered to serve as your mentor. Judge Dickey had not previously received mentor training. As a result, it was necessary for Judge Davidson to individually train Judge Dickey, who in turn became your mentor. This was an unnecessary waste of judicial resources. Judge Dickey encountered problems similar to those encountered by Judge Lester.

7. Your bizarre behavior was based in part on your belief that your judicial colleagues and courthouse personnel have or intended to mistreat you. Examples include but are not limited to:

- (a) Your belief that your office was bugged by someone.

- (b) Your installation of a video camera in your office to record movements of others.
- (c) Your belief that other judges were out to get you because you defeated an incumbent.
- (d) Your initial assignment was to replace the docket of the judge whom you defeated in your election. You stated that the incumbent whom you defeated intended to sabotage the docket you would be assigned. This necessitated that another circuit judge agree to assume the incumbent's docket.
- (e) In a meeting with two circuit judges, before you assumed your duties, you expressed your belief that there was an effort by the judiciary to keep you from serving in the division you wanted.
- (f) You expressed to court personnel that you believed everyone was against you because you defeated the incumbent.
- (g) You complained to others that your caseload was excessive compared to other civil/family law judges, that you had been assigned all the family law cases in Seminole County, and that someone was manipulating the caseload against you. Four circuit judges met with you and tried to explain the process for case assignment, and that you were treated no differently than other judges. Nevertheless, you continued to express to others that you were assigned significantly more cases than were other judges, which was not true. When you could not effectively manage your civil law cases, it was necessary to assign all your civil cases to another judge. As a result, the other judge's family law cases were assigned to you. Consequently, you had only family law cases as your responsibility.

(h) You requested other judges to provide their judicial assistants to help your judicial assistant because of your excessive case load. In fact, your case load was no more or less excessive than any other judge.

(i) You reported to a lieutenant of the Seminole County Sheriff's Office that two deputies sat in the back of your courtroom glaring at you, trying to make you leave the bench.

(j) You accused a fellow circuit judge or her judicial assistant of going through your or your judicial assistant's desk and then reporting particular information to a private attorney.

(k) You called another judge's judicial assistant into your office and asked her if she had reported your treatment of your judicial assistant to the Chief Judge.

(l) You kept, or directed another to keep, a notebook documenting claimed mistreatment by the Chief Judge.

#### **Failure to Maintain High Standards of Conduct**

8. You have failed to maintain high standards of conduct with colleagues, litigants, attorneys, and courthouse personnel. This failure to maintain high standards of conduct, if proven in whole or in part, violates the Code of Judicial Conduct. Examples include but are not limited to:

(a) On April 10, 2012, you spoke harshly to a woman in the hallway outside of your courtroom and threatened her that a deputy would remove her from the courthouse. The deputy said he would not remove her because it was a public courthouse. You were angry and said in substance that this was your proceeding and you could have her removed even though she was in the hallway.

(b) You have treated one of your judicial assistants in a manner that was not patient, dignified and courteous.

(c) In 2013, a paralegal student at Seminole State College came to work for you as an intern on Tuesdays and Thursdays. The intern reported that you treated her very poorly, would not let her ask questions, and that you were intimidating. The intern reported all of this to the head of paralegal instruction at Seminole State College. As a result, the Chief Judge had to transfer the intern to work with other people at the courthouse.

(d) You forbade one of your judicial assistants from allowing people to enter into your judicial suite when you were not in your judicial suite.

**Failure to Maintain Appearance of Impartiality, and to Avoid the  
Appearance of Impropriety**

9. You have failed to maintain the appearance of impartiality and to avoid the appearance of impropriety in handling your cases. This failure, if proven in whole or in part, violates the Code of Judicial Conduct. Examples include but are not limited to:

(a) In the case of *Chace v. Loisel, Jr.*, Seminole County Case No. 2011-DR-5752, a dissolution of marriage proceeding before you, you made a “friend request” on Facebook to one of the parties after the trial, but before entry of the final judgment. Upon advice of counsel, the party did not respond to the “friend request”. You then entered a final judgment against that party. That party filed a Motion for Disqualification, which you denied. The Fifth District Court of Appeals reversed that denial. *See Chace v. Loisel, Jr.*, 39 Fla. L. Weekly D221 (Fla. 5<sup>th</sup> D.C.A. 2014).

(b) In *Lucarelli v. Lucarelli*, Seminole County Case No. 2013-DR-002855-02D-K, a dissolution of marriage case before you, you commented on one of the party's Facebook "yep, justice comes swiftly." The adverse party filed a motion to disqualify you, which had to be granted.

(c) You failed to avoid the appearance of impropriety by repeatedly appointing a particular person to complete mental health and psychological evaluations in almost every case in which you wanted a psychological evaluation. You did so despite the availability of other qualified experts, even when both parties agreed or requested an expert other than this particular person.

**Failure to Show Professional Competence in the Law and Execution of Your Duties**

10. You have not shown sufficient professional competence in the law and in execution of your duties. This failure to show professional competence in the law and execution of your duties, if proven in whole or in part, violates the Code of Judicial Conduct. Examples include, but are not limited to:

(a) On April 5, 2012, in *Carson v. Carson*, Seminole County Case No. 2011-DR-2385-2D-L, the wife's attorney sought an order to show cause against the husband for canceling the wife's health insurance. Administrative Order 11-10-S prohibits either party from canceling insurance policies in effect at the time of filing for a divorce. On May 22, 2012, a hearing was held, during which you would not issue an order to show cause without the husband being present, despite the fact that the purpose of the order to show cause was to secure his appearance. The wife's attorney called your chambers on May 23, May 25, May 29, May 30, and May 31 to

check on the status of the show cause order. He was finally told not to call again because you had sixty days to rule. On May 31, 2012, the wife's attorney filed a Bench Memorandum in Support of Wife's Request for Issuance of Order to Show Cause, in which counsel tried to explain that issuing an order to show cause was for the specific purpose of securing the husband's appearance. You did not rule until July 24, 2012, and then issued an order denying the order to show cause. This was three and a half months after the request for the order to show cause. Your order defied the Administrative Order, was inexcusably untimely, and demonstrated you did not understand the purpose of the order to show cause. Based on the foregoing, the wife's attorney had to file a motion to disqualify you, which was granted.

(b) In *Cepero v. Barrett*, Seminole County Case No. 2011-DR-2547-05-J-W, the father filed a Motion for Contempt and to Enforce Child Custody and Support Order because the mother continually violated a custody order (originally issued in North Carolina, but domesticated in Florida) which required the mother to pick up and deliver the child to the husband at certain times. At the hearing the mother testified that she was violating the order. Nonetheless, you denied the motion. You also modified the order even though the mother had not sought any such relief, and even though the mother testified that she would not follow the original order. There was no showing of a material or substantial change in circumstances to support the modifications, even had they been requested by the pleadings and noticed, which they had not.

(c) In Spring 2013, you unnecessarily delayed signing writs of bodily attachment for child support orders, which caused families not to receive their child support in a timely manner.

You questioned the procedure for including the purge amount on the order and the necessary citation for the amount and would not sign the orders. The Child Support Hearing Officer sent you an email explaining the law and the procedure in March, 2013. In response, you disagreed. It was then necessary for the Chief Judge to sign all the orders that were delayed. The Chief Judge and another circuit judge then held a meeting with you to again try to explain the law and procedure to you, to which you responded in substance that you would go along with it, but still did not understand it.

(d) In *Francis v. Francis*, Seminole County Case No. 2013-DR-2746, on February 12, 2014, at a hearing on Petitioner's Second Amended Motion for Contempt and Enforcement of Marital Settlement Agreement, you prohibited the former husband's counsel, for no lawful reason, from calling some of his witnesses or cross-examining the wife, who testified. You subsequently denied the former husband's petition. His counsel filed a motion to disqualify you for this and other reasons. The motion to disqualify was granted.

#### **Failure to Effectively Manage Docket and Fulfill Judicial Duties**

11. You have failed to effectively manage your docket and fulfill your judicial duties, requiring colleagues to perform part of your work load, and failed to provide litigants and attorneys timely hearings or rulings. This failure to effectively manage your docket and fulfill your judicial duties, if proven in whole or in part, violates the Code of Judicial Conduct. Examples include but are not limited to:

(a) You were often unavailable when you were assigned as the duty judge to handle emergency, short notice matters, and made no arrangements with other judges regarding your

unavailability. Other judges had to substitute for you when you were not available during your assigned duty judge times. This occurred repeatedly.

(b) On April 30, 2012, the Chief Judge determined it necessary to re-assign your civil caseload to a different circuit judge because you were unable to manage your caseload and promptly rule on matters assigned to you.

(c) On or about March 12, 2013, in *Nguyen v. Nguyen*, Seminole County Case No. 2013-DR-781-2D-L, the wife's attorney filed a petition to relocate her client. The husband's attorney filed an objection on March 31, 2013. Pursuant to Florida Statutes ' 61.13001(10), a hearing must be held within 30 days, but there were no dates available until September or October, 2013. On May 7, 2013, the wife's attorney wrote a letter to the Chief Judge explaining the situation. After the Chief Judge responded and copied you with his response, you then scheduled a hearing May 31, 2013.

(d) On April 12, 2013, in *Taveres v. Sanchez*, Seminole County Case No. 59-2012-DR-0014630-02DR, the wife's attorney filed a Verified Emergency Motion for Contempt of Administrative Order Number 11-10-S and Motion to Freeze Accounts, which alleged the husband was taking and hiding assets, and a proposed order. The motion was electronically filed, and the wife's attorney also mailed a courtesy copy to you. On April 25, 2013, the wife's attorney had not received a response and emailed your judicial assistant. On April 26, 2013, the wife's attorney received a failed delivery notification for her email, so she called and left a message for your judicial assistant. Soon thereafter, the wife's attorney received a copy of her courtesy copy package back with a stamp that it was received on April 16, 2013 in your

chambers. There was no explanation for the package being returned to her. On May 8, 2013, the wife's attorney received an email from your judicial assistant saying you had reviewed the motion and determined it was not an emergency. You believed there was not an emergency because there is an administrative order prohibiting the parties from disposing of assets without written consent of the other party or court order, but the emergency motion, supported by affidavit, alleged that the husband was violating the administrative order by disposing of assets.

### **Lack of Candor in Verified Response to Third Amended Notice of Investigation**

12. In the decision *In re Davey*, 645 So. 2d 398 (Fla. 1994), the Florida Supreme Court held that the JQC, "as a constitutional body charged with the duty to investigate the state judiciary, has a right to expect absolute candor from the judges appearing before it". *Id.* at 405. On June 25, 2014, the JQC served upon you the Third Amended Notice of Investigation. Paragraph 18 of the Third Amended Notice of Investigation, in pertinent part, notified you that one of the allegations being investigated by the JQC was that:

"You complained to the Florida Department of Law Enforcement that you believe there is a criminal conspiracy against you by other judges in Seminole County, which complaint was baseless."

The Third Amended Notice of Investigation notified you of your rights under JQC Rule 6(b), including inviting you to appear before the Investigative Panel of the JQC on August 1, 2014 at 10:00 a.m. to afford you "...a reasonable opportunity to make a statement before the Investigative Panel, personally or by your attorney, verbally or in writing, sworn or unsworn, explaining, refuting or admitting the alleged misconduct". The Third Amended Notice of Investigation also provided "[i]f you wish to submit a written response to the allegations or if

you wish to submit documentary evidence which the panel may consider, twelve paper copies and one electronic copy (in either Word or .pdf format) of the response must be filed with Michael L. Schneider, Executive Director, Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303, [mschneider@floridajqc.com](mailto:mschneider@floridajqc.com) not later than ten days before the scheduled hearing”. You chose to submit the Verified Written Response through your counsel.

You executed your answers in the Verified Written Response before notary public Yvette C. Bishop on July 21, 2014 and verified as follows: “The matters set forth in the foregoing are true to the best of my knowledge, information and belief”.

Your verified answer to paragraph 18 of the Third Amended Notice of Formal Charges reads, in pertinent part, as follows:

“I did not complain to the FDLE regarding a criminal conspiracy regarding judges. I do not know what if any investigations are open or closed.”

This response does not demonstrate the absolute candor which a judge must display in appearing before the JQC and is incomplete or misleading, or both. The FDLE’s Office of Executive Investigations received allegations of misconduct made by you against members of the Eighteenth Judicial Circuit. These allegations were criminal and civil in nature and the FDLE’s investigation focused on the following criminal allegations that you made:

- Disparate case assignments and denial of administrative resources which obstructed your ability to perform the duties of your position as a Circuit Judge;
- Judge Alan Dickey altered or falsified official documents; and

- Your chambers on the third floor of the Seminole County Civil Courthouse were being illegally monitored.

On April 24, 2014, two FDLE investigators met with you at your home to discuss the allegations you made. On May 29, 2014, you sent court documents and communications by e-mail to an FDLE investigator regarding the allegations you had made. On June 30, 2014, you met with an FDLE investigator and provided him footage from the surveillance camera that you had installed in your chambers which showed individuals that you did not recognize entering the ceiling areas in your chambers and around your judicial assistant's desk.

In sum, your July 21, 2014 verified answer, "I did not complain to the FDLE regarding a criminal conspiracy regarding judges. I do not know if any investigations are open or closed" does not demonstrate "absolute candor" and is incomplete or misleading, or both.

### **Summary**

15. "The standard of fitness to hold office calls for examination of misconduct from two perspectives: its effect on the public's trust and confidence in the judiciary as reflected in its impact on the judge's standing in the community, and the degree to which past misconduct points to future misconduct fundamentally inconsistent with the responsibilities of judicial office." *Inquiry Concerning Judge John R. Sloop*, 946 So. 2d 1046, 1055 (Fla. 2007). The inquiry of fitness must be "forward-looking." *Id.*

"Conduct unbecoming a member of the judiciary may be proved by evidence of specific major incidents which indicate such conduct, or it may also be proved by evidence of an accumulation of small and ostensibly innocuous incidents which, when considered together,

emerge as a pattern of hostile conduct unbecoming a member of the judiciary”. *In re Kelly*, 238 So. 2d 565 (1970).

Your pattern of inexplicable behavior, commencing with your bizarre conduct with Judge Lester and culminating with your report to the FDLE; your failure to maintain high standards of conduct; your failure to maintain the appearance of impartiality and to avoid the appearance of impropriety; your failure to show professional competence in the law and execution of your duties; and your failure manage your docket effectively and fulfill judicial duties, if proven in whole or in part, constitute violations of the Code of Judicial Conduct.

Any of these acts described above, if they occurred as alleged, would impair the confidence of the citizens of this state in the integrity of the judicial system, and in you as a judge; would constitute conduct unbecoming a member of the judiciary; would raise questions about your present and future fitness to hold the office of judge; and would warrant discipline, including, but not limited to reprimand, fine, suspension with or without pay, and/or your removal from office.

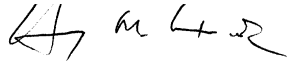
Please take notice, in accordance with the FJQC Rules, as revised, that you have twenty (20) days following service of this notice to file a written answer to these charges. The original of your response and all subsequent pleadings must be filed with the Clerk of the Florida Supreme Court, in accordance with the Court’s requirements. Copies of your response shall be served upon the undersigned as Special Counsel for the Judicial Qualifications Commission as well as the General Counsel for the Commission.

Dated this 19th day of September, 2014.

Respectfully submitted,

**JUDICIAL QUALIFICATIONS COMMISSION**

BEDELL, DITTMAR, DeVAULT, PILLANS & COXE  
Professional Association



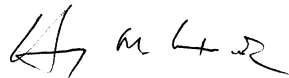
By: \_\_\_\_\_

Henry M. Cox, III  
Florida Bar No. 0155193  
E-mail: [hmc@bedellfirm.com](mailto:hmc@bedellfirm.com)  
Oliver David Barksdale  
Florida Bar No. 0957331  
E-mail: [odb@bedellfirm.com](mailto:odb@bedellfirm.com)  
Ashley W. Greene  
Florida Bar No. 010973  
E-mail: [awg@bedellfirm.com](mailto:awg@bedellfirm.com)  
101 East Adams Street  
Jacksonville, Florida 32202  
Telephone: (904) 353-0211  
Facsimile: (904) 353-9307

Michael L. Schneider  
General Counsel  
Florida Bar No. 525049  
[mschneider@floridajqc.com](mailto:mschneider@floridajqc.com)  
Judicial Qualifications Commission  
P.O. Box 14106  
Tallahassee, Florida 32317  
Telephone: (850)488-1582

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail and email to Gregory W. Eisenmenger, 5450 Village Drive, Viera, Florida 32955, [gregeisenmenger@ebplaw.com](mailto:gregeisenmenger@ebplaw.com), counsel to The Honorable Linda D. Schoonover, this 19th day of September, 2014.



\_\_\_\_\_  
Attorney